IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23039 of 2004

Between:

1 J. Thirupathamma, W/o. Kondaiah,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.
2 J. Kondamma, W/o. Salonu,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.
3 J. Koteswaramma, W/o. Brahmaiah,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.
4 J. Suvarthamma, W/o. Ashok,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.
5 J. Yuvarani, W/o. Kranthi Kumar,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.
6 J. Kamalamma, W/o. Sailu,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.
7 J. Chinnamma, W/o. Abraham,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.
8 I. Kotamma, W/o. Narasimham,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.
9 G. Yakobu, S/o. Peraiah,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.
10 g. Ragaiah, S/o. Koteswara Rao,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.
11 g. Thirupathamma, W/o. Thirupalu,
All are Caste by Madiga, R/o. Thimmareddipalem (V),

Lingasamudram (M), Prakasam District.

12 G. Emilamma, W/o. Yavanu,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.

13 e. Pichaiah, S/o. Onuru,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.

14 E. Mariyamma, W/o. Yesu,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.

15 G. Kotamma, W/o. Vasantham,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.

16 G. Venkamma, W/o. Labanu,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.

17 G. Lakshmamma, W/o. Kondaiah,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.

18 a. Rajamma, W/o. China Kondaiah,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.

19 A. Meramma, W/o. Ravi,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.

20 A. Karunamma, W/o. Sudhakar,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.

21 a. Subashini, W/o. Prasad,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.

22 G. Marthamma, W/o. Yakobu,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.

23 B. Ankamma, W/o. Kondaiah,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.

24 I. Sasikala, W/o. Chinnaiah,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.

25 D. Chinnamma, W/o. Paul,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.

26 G. Rajamma, W/o. James,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.

27 J. Kanthamma, W/o. Dasu,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.

28 A. Jyothi, W/o. Yesu,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.

29 K. Karunamma, W/o. Dasu,

All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.

30 V. Kalpana, Madhava,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.

31 G. Bebi, W/o. Subbarayudu,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.

32 K. Gangamma, W/o. Kotaiah,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.

33 G. Kondamma, W/o. Ashirvadham,
All are Caste by Madiga, R/o. Thimmareddipalem (V),
Lingasamudram (M), Prakasam District.

..... PETITIONER(S)

AND

1 District Collector, Prakasam District, Ongole.
2 Revenue Divisional Officer, Kandukur, Prakasam District.
3 Mandal Revenue Officer, Lingasamudram (M), Prakasam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent sin interfering with petitioner's possession, enjoyment and assignments over their respective housing plots assigned in proceedings in RC HA 298/02/1412 Fasli, Dt. 18-12-2002 issued by the 3rd respondent is illegal, irregular, violative Art 14, 21 and 300-A of the Constitution of India and also the provisions of the AP Board of Revenue Standing Orders and consequently direct the respondents not to interfere in any manner with their peaceful possession, enjoyment and assignment of housing plots and pass such other order or orders

Counsel for the Petitioner:MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

The petitioners claim to have been granted house site pattas in the year 2002, in an area of about 5 cents, each. It is stated that while some of the assignees constructed houses, some could not construct, on account of financial constraints. It is alleged that even while the assignments are in force, the respondents are trying to evict the petitioners, and preventing them from undertaking any construction.

Heard the learned counsel for the petitioners and learned Government Pleader for Revenue.

The petitioners have placed before this Court copies of patta certificates issued to them on 18-12-2002. If the respondents are of the view that either the pattas are not genuine, or that they are liable to be cancelled, it shall always be open to them to do so, after following the procedure prescribed by law. As long as the pattas are in force, and are not set aside, the petitioners would be entitled to enjoy the property. Otherwise the very purpose of granting pattas would be defeated. If the respondents intend to take any action, it shall be open to them, after issuing notice to the petitioners.

Hence, the writ petition is disposed of, directing that the respondents shall not interfere with the possession and enjoyment of the petitioners over the plots of lands, said to have been assigned in their favour. It shall always be open to them to take action against the petitioners, if they are of the view that the conditions of patta are violated, provided the petitioners are put on notice, and are permitted to submit their explanations. There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.13-12-2004

KO

To

1 District Collector, Prakasam District, Ongole.

2 Revenue Divisional Officer, Kandukur, Prakasam District.
3 Mandal Revenue Officer, Lingasamudram (M), Prakasam District.

4. 2 CCs to G.P. for Revenue, High Court of A.P., High Court Buildings, Hyderabad (OUT).

5. 2 C.D. copies.

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

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W.P.NO.23039 OF 2004

Dated 13-12-2004